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TRADE AND DEVELOPMENT BOARD
Intergovernmental Group of Experts on
Restrictive Business Practices
Twelfth Session
Geneva, 18 October 1993
Agenda items 3, 4 and 5

REVIEW OF THE OPERATION OF AND EXPERIENCE ARISING FROM THE APPLICATION AND IMPLEMENTATION OF THE SET OF MULTILATERALLLY AGREED EQUITABLE PRINCIPLES AND RULES FOR THE CONTROL OF RESTRICTIVE BUSINESS PRACTICES

ACTIVITIES RELATING TO SPECIFIC PROVISIONS OF THE SET

WORK PROGRAMME ON RESTRICTIVE BUSINESS PRACTICES

Draft conclusions of the Intergovernmental Group of Experts

The Intergovernmental Group of Experts on Restrictive Business Practices, having met at its twelfth session from 18 to 22 October 1993, agrees to the following conclusions:

A. Item 4 (a) - Studies

(i) The study on "Concentration of Market Power (TD/B/RBP/80/Rev.2); as finalized by the UNCTAD secretariat should be published;

(ii) The study on " The Role of Competition Policy in Economic Reforms in Developing and Other Countries" (TD/B/RBP/96), should be revised by the secretariat, taking into account the comments made during the current session of the Group and comments received from member States before 31 January 1994.

B. Item 4 (b) - Information and Consultations

(i) The checklists contained in document TD/B/RBP/78/Rev.2, should be finalized by the secretariat, taking into account the comments made at the current session of the Group and any comments received from member States before 31 January 1994;

(ii) An updated directory on competition authorities should be circulated well in advance of the thirteenth session of the Intergovernmental Group of Experts;

(iii) The Intergovernmental Group of Experts commends the consultations and exchanges of views that took place during the current session on (a) appropriate remedies for abuses of market power; (b) criteria for assessing fines for violations of competition laws; and (c) received presentation of an independent "Draft International Antitrust Code";

(iv) Consultations held under this item of the agenda should take place again at the next sessions of the Intergovernmental Group of Experts and countries from all regions should be encouraged to make presentations on subjects of their choice, provided these are made known to the secretariat sufficiently in advance to allow other delegations interested on the subject to prepare themselves.

C. Item 4 (c) - Model Law or Laws and Handbook

(i) The secretariat should continue the elaboration of the Commentary to the Model Law in document TD/B/RBP/81/Rev.2, taking into account the comments made during the current session and comments received from member States before 31 January 1994. To this end, member States are invited to make as far as possible concrete drafting proposals for additions relating to the treatment of specific issues under their own national competition legislation;

(ii) The secretariat should continue the compilation and updating of the Handbook on RBP Legislation and those member States that have not done so to date, or which have adopted new or amending legislation, are invited to submit the text of their competition laws to the secretariat in one (or more) official languages of UNCTAD, as well as appropriate commentary to such legislations, according to the format contained in the introduction to document TD/B/RBP/94.

D. Item 4 (d) - Technical assistance

(i) The Intergovernmental Group of Experts calls upon intergovernmental organizations and financing programmes - as well as member States through voluntary financial and other contributions - to provide the appropriate resources for the activities mentioned below; and inform the Secretariat of UNCTAD on programmes under which application of technical assistance could be made;

(ii) Requests the UNCTAD secretariat to continue to provide, upon request, and within available resources, technical assistance, advisory and training services in the area of competition policy to developing countries and to countries in transition, and to report on its activities so as to enable the Intergovernmental Group of Experts at its thirteenth session to evaluate these activities.

(iii) Calls upon intergovernmental organizations to coordinate and cooperate in the area of competition policy with a view to avoiding unnecessary duplication of work and to maximize results with existing limited resources;

E. Taking into account the specificity of the work of the Intergovernmental Group of Experts and its mandate which includes revision and updating of recurrent documents of a lengthy nature, the Intergovermental Group of Experts requests the Secretary-General of UNCTAD and appropriate bodies to consider the application of the rules on documentation with the necessary flexibility, so as to enable the Intergovernmental Group of Experst to fulfil its tasks.